

JOURNAL OF THE SENATE [April 28, 1971]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

WEDNESDAY, April 28, 1971.

9:00 o'clock A.M.

The senate was called to order by the president of the senate.

The prayer was offered by Reverend Vernon D. Gundermann, Pastor, Calvary Lutheran University Chapel and Student Center.

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent with leave—Senator Krueger—1.

AMENDMENTS OFFERED

Senate amendment 3 to Senate Bill 52 by Senator Keppler.

Senate amendment 4 to Senate Bill 52 by Senator Keppler.

Senate amendment 1 to Senate Bill 116 by Senator Whittow.

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Senate amendment 1 to Senate Bill 125 by Senators Whittow and Thompson.

Senate substitute amendment 1 to Senate Bill 140 by Senator Heinzen.

Senate amendment 1 to Senate Bill 334 by Senators Whittow, Schuele and Parys.

COMMITTEE REPORTS

The committee on Judiciary reports and recommends for introduction:

Senate Bill 446

(By request of League of Wis. Municipalities) Relating to presumption of validity of municipal and county ordinances.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Judiciary.

Senate Bill 447

(By request of League of Wis. Municipalities) Relating to prohibiting certain motor vehicle emissions.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Transportation.

Senate Bill 448

(By request of League of Wis. Municipalities) Relating to abatement of health nuisances.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Health and Social Services.

Senate Bill 449

(By request of League of Wis. Municipalities) Relating to application of the "open meeting" law.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Judiciary.

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Senate Bill 450

Relating to appointment of court commissioners in populous counties.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Judiciary.

Senate Bill 451

(By request of Probate Law Revision Study Committee, State Bar of Wisconsin) Relating to correctional changes in the probate code.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Judiciary.

Senate Bill 452

Relating to limiting liability for certain medical activities involving transplants.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Judiciary.

ALLEN J. BUSBY,
Chairman.

The committee on Judiciary reports and recommends:

Senate Resolution 18

Requesting the council for home and family to study the family code and proposals pertinent thereto.

Adoption; Ayes, 5; Noes, 0.

Senate Joint Resolution 41

Requesting the President of the United States to exercise his powers of executive clemency on behalf of Lieutenant William L. Calley, Jr.

Adoption of senate substitute amendment 1; Ayes, 5; Noes, 0 and adoption; Ayes, 5; Noes, 0.

Senate Joint Resolution 43

Directing a legislative council study of procedures involved in making tort liability claims against units of government.

Adoption; Ayes, 5; Noes, 0.

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Senate Bill 147

Relating to security for costs, suit tax, service and clerk's fees for indigents.

Adoption of senate substitute amendment 1; Ayes, 5; Noes, 0 and passage; Ayes, 5; Noes, 0.

Senate Bill 341

Relating to venue in small claims actions.

Indefinite postponement; Ayes, 5; Noes, 0.

Senate Bill 351

Relating to transaction of business in this state by foreign common law trusts.

Passage; Ayes, 4; Noes, 1.

Assembly Bill 228

Relating to lobbying by state bar.

Adoption of senate amendment 1; Ayes, 5; Noes, 0 and concurrence; Ayes, 5; Noes, 0.

ALLEN J. BUSBY,
Chairman.

PETITIONS AND COMMUNICATIONS

Senate Petition 81

A petition by 22 members of the Wausau Church of Christ in opposition to **Senate Bill 138** relating to aid for students in private and parochial schools.

Introduced by Senator Krueger.

Read and referred to committee on Education.

MESSAGE FROM THE ASSEMBLY

By Thomas P. Fox, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

Assembly Bill 187,
Assembly Bill 200,

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**Assembly Bill 204,
Assembly Bill 214,
Assembly Bill 238,
Assembly Bill 292 and
Assembly Bill 403.**

Concurred in:

Senate Bill 40

Amended and concurred in as amended:

Senate Bill 42 (assembly amendment 2 adopted).

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 187

Relating to lease of subterranean space under any street, alley or public place in cities of the first class.

By Representatives Jones, Czerwinski, Conta, Wahner, Berger, Jackson, Lipscomb, Orlich W. A. Johnson, Quinn, Sensenbrenner, McDougal, Conradt, Froehlich and Wackett; co-sponsored by Senators Steinhilber, Soik, Parys, Whittow, Schuele, Krueger and Cirilli.

Read first time and referred to committee on Housing and Urban Development.

Assembly Bill 200

Relating to minimum wages, and providing a penalty.

By Representatives W. A. Johnson, Brown, Barbee, Lipscomb, Jones, Tobiasz, Molinaro, Anderson, Czerwinski, Wahner, Nager, Otte, Dorff, Oestreicher, Ferrall, Jackson, Berger, Bultman and Stack.

Read first time and referred to committee on Commerce, Labor, Taxation, Insurance and Banking.

Assembly Bill 204

Relating to prohibiting snowmobile operation during fire-arm deer hunting season.

By Representatives Alberts, Bradley, Byers, Kafka and Wilger.

Read first time and referred to committee on Natural Resources.

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Assembly Bill 214

Relating to a 7% interest charge on money judgments from time of verdict until satisfaction of judgment.

By Representative Jackson.

Read first time and referred to committee on Judiciary.

Assembly Bill 238

Relating to assignment of mother's wages for child support.

By Representatives Lipscomb, Jackson, Sicula and Shabaz, by request of Milwaukee County.

Read first time and referred to committee on Health and Social Services.

Assembly Bill 292

Relating to proof of age requirements for persons seeking official identification cards.

By Representative Lynn.

Read first time and referred to committee on Governmental and Veterans' Affairs.

Assembly Bill 403

Authorizing the Milwaukee county board to close the Milwaukee county law library on Saturdays.

By Representatives Sicula and Orlich, by request of Milwaukee County.

Read first time and referred to committee on Governmental and Veterans' Affairs.

Senate Bill 42 (assembly amendment 2 adopted)

Read and referred to the calendar.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, the Rev. Joseph Washington, retired pastor of Mt. Zion Baptist Church in Madison, at the age of 80 continues to "bring people the good news"; and

Whereas, Rev. Washington, who has been a pastor in Madison since 1927, spreads optimism and faith where he is needed; now, therefore,

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The Members of the Senate, on the motion of Senators Roseleip, Risser and Hollander, under Joint Rule 26, do commend the Rev. Joseph Washington for his long and continuing service to the public.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature
Know you by these presents:

Whereas, Robert C. Bjorklund, farm editor of the Wisconsin State Journal, recently was presented the J. S. Russell award by the Newspaper Farm Editors of America; and

Whereas, this award is voted by the membership of that organization to the man they feel is the outstanding farm editor in the nation; and

Whereas, Mr. Bjorklund has also received honors from among others, the Dane County Holstein Breeders Association, the Pure Milk Products Cooperative and the Prairie du Sac Associated Milk Producers; now therefore,

The Members of the Wisconsin Legislature, on the motion of Senators Heinzen and Bidwell and Representatives O'Malley and Everson, under Joint Rule 26, do congratulate Robert C. Bjorklund on this most recent award and commend him on his honored record as a journalist.

CALENDAR OF APRIL 13

Senate Joint Resolution 31

Relating to inviting the President of the United States to address a joint session of the Wisconsin Legislature.

The question was: Adoption of amendment 3?

Senator Johnson moved rejection.

The ayes and noes were demanded and the vote was: ayes, 24; noes, 7; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendzierski,

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Keppler, Knowles, Knutson, LaFave, Lorge, Lotto, Lourigan, Martin, Murphy, Roseleip, Soik, Steinhilber and Swan—24.

Noes—Senators McKenna, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—7.

Absent or not voting—Senator Krueger—1.

Amendment 3 rejected.

The question was: Adoption of Senate Joint Resolution 31?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Frank, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lorge, McKenna, Martin, Murphy, Parys, Roseleip, Soik and Steinhilber—19.

Noes—Senators Bidwell, Dorman, Heinzen, Hollander, Lotto, Lourigan, Peloquin, Risser, Schuele, Swan, Thompson and Whittow—12.

Absent or not voting—Senator Krueger—1.

So Senate Joint Resolution 31 was adopted.

Senator Hollander requested that Senate Bill 13 be referred to the joint committee on Finance.

Senator Dorman objected.

By request of Senator Keppler, with unanimous consent, the senate recessed for 1 hour.

9:55 A.M.

RECESS

10:55 A.M.

The senate reconvened.

Senate Bill 13

Relating to permitting counties a share of 30% emergency tax on inheritance taxes.

Read a second time.

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Senator Hollander moved that **Senate Bill 13** be referred to the joint committee on Finance.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, LaFave, Lotto, Murphy, Parys, Roseleip, Soik, Steinhilber and Swan—17.

Noes—Senators Busby, Dorman, Frank, Kendziorski, Knutson, Lorge, Lourigan, McKenna, Martin, Peloquin, Risser, Schuele, Thompson and Whittow—14.

Absent or not voting—Senator Krueger—1.

So the bill was referred to the joint committee on Finance.

Senate Bill 14

Relating to requiring assessment of all property at 100% of full value.

Read a second time.

The question was: Indefinite postponement?

Senator Kendziorski in the chair.

11:40 A.M.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 9; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Frank, Hollander, Johnson, Keppler, Knutson, LaFave, Lotto, Lourigan, McKenna, Martin, Murphy, Peloquin, Roseleip, Soik, Steinhilber, Swan and Thompson—22.

Noes—Senators Dorman, Heinzen, Kendziorski, Knowles, Lorge, Parys, Risser, Schuele and Whittow—9.

Absent or not voting—Senator Krueger—1.

So the bill was indefinitely postponed.

By request of Senator Keppler, with unanimous consent, the senate returned to the fourth and ninth orders of business.

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BILLS INTRODUCED

Read first time and referred:

Senate Bill 453

Relating to lowering the age of majority from 21 years to 18 years.

By Senators Devitt, LaFave, Lorge, Swan, Keppler, Murphy, Dorman, Soik, Steinhilber, Parys, Martin, Frank, Johnson, McKenna, Peloquin, Roseleip, Hollander and Schuele.

To committee on Governmental and Veterans' Affairs.

The president in the chair.

12:25 P.M.

MOTIONS

Senator Roseleip moved that Senate Bill 163 be withdrawn from the joint committee on Finance and referred to the calendar.

By request of Senator Keppler, with unanimous consent, all actions except the action on Senate Joint Resolution 31 were immediately messaged.

Senator Keppler moved that the senate adjourn until 9:00 A.M. April 29, 1971.

12:35 P.M.

INTRODUCTION OF GUESTS

Senator Soik introduced: Instructors Marshall Rieboldt, David Zitlow and Michael Sweeney, with 150 seniors of the Social Studies Class of Whitefish Bay High School, and the Library Club from Riverside School, with Mrs. Michalak and Mrs. Zorick, from Riverside, Wisconsin.

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Senator Murphy introduced: 60 pupils from Kettle Moraine High School, with Mr. Stumps, their teacher, from the town of Genesee, Wales, Wisconsin.

Senator Hollander introduced: 57 8th Grade students from the Waupun Christian School, with Mr. Hartman and Mr. Buteyn, from Waupun, Wisconsin.

Senator Chilsen introduced: The 4th Grade students from John Marshall School in Wausau, Wisconsin, with Mrs. Fitzgerald, Mrs. Flagg and Mr. Kawalske.

Senator Keppler introduced: 7 students of a special class of Ozaukee High School, with Mr. Havertabe.

Senator Lorge introduced: 72 students and the Waupaca High School Band, under the direction of Bill Shay, all of Waupaca, Wisconsin.

Senator Swan introduced: 32 Delavan Junior High School students from Christian School, with Mr. Roger Cook, teacher, and another group of students from Whitewater High School Student Congress, with Jerry Socha, Assistant Principal, Whitewater, Wisconsin.

Senator Keppler introduced: Mr. William Decker and Miss Denise Decker, from Waldo, Wisconsin.

Senator Swan introduced: 88 students from Whitewater Lincoln School 4th Grade, with teachers, Mrs. Charles Fero, Mrs. Art Peardon and Mrs. William Erdman, Whitewater, Wisconsin.

Senator Cirilli introduced: A group of students from Superior, Wisconsin, with Mrs. Bowden and William Rensterand.